

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JIMMIE L. RAINES,)	
)	Civil Action No. 05 - 1756
Petitioner,)	
vs)	Judge Terrence McVerry /
)	Magistrate Judge Lisa Lenihan
COMMONWEALTH OF PENNSYLVANIA,)	
DISTRICT ATTORNEY OF ALLEGHENY)	
COUNTY, ATTORNEY GENERAL OF)	
PENNSYLVANIA,)	
)	
Respondents.)	

MEMORANDUM ORDER

The above captioned Petition was transferred from the Eastern District of Pennsylvania on December 21, 2005, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's Report and Recommendation (Doc. No. 15), filed on December 28, 2005, recommended that leave to proceed in forma pauperis be denied, and, if it is Petitioner's desire to proceed with this action, that he submit the \$5.00 filing fee within 20 days of the adoption of the report and recommendation. Service was made on the Petitioner at S.C.I. Somerset, 1600 Walters Mill Road, Somerset, PA 15510. The Petitioner was informed that in accordance with Magistrates Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.1.4(B) of the Local Rules for Magistrates, that they had ten (10) days to file any objections. No objections have been filed. After review of the pleadings and the documents in the case, together with the report and recommendation and the objections thereto, the following order is entered:

AND NOW, this 17th day of February, 2006;

IT IS HEREBY ORDERED that the Motion to Proceed In Forma Pauperis is **DENIED**, and the Clerk of Court is directed to mark this case as closed.

IT IS FURTHER ORDERED that the Report and Recommendation (Doc. No. 13) of Magistrate Judge Lenihan, dated December 28, 2005, is adopted as the opinion of the court.

BY THE COURT:

s/ Terrence F. McVerry
United States District Judge

cc: Lisa Pupo Lenihan
U.S. Magistrate Judge

Jimmie L. Raines
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SCI Somerset
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